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09/878,685	06/11/2001	John A. Josko	85CE-00110	2016
7590	03/15/2006		EXAMINER CHENCINSKI, SIEGFRIED E	
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Sq. St. Louis, MO 63102			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 03/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/878,685	Applicant(s) JOSKO ET AL.	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/11/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1. Claims 36-38 are rejected** under 35 U.S.C. 102(b) as being anticipated by Forrest et al. (US Patent 6,049,781).

**Re. Claim 36**, Forrest anticipates a method for predicting appraiser performance, said method comprising the steps of:

- retrieving data from a database and for at least one appraisal performed by the appraiser, the appraisal being for an asset that was sold (Col. 19, ll. 22-26); and
- comparing the appraised value from the appraisal with an actual price at which the appraised asset was sold (Col. 19, ll. 22-26).

**Re. Claim 37**, Forrest anticipates a method wherein a computer is coupled to the database, and wherein retrieving data comprises the step of entering into the computer information identifying the appraiser (This is inherent in Forrest's teaching.).

**Re. Claim 38**, Forrest anticipates a method wherein comparing the appraised value from the appraisal with an actual price at which the appraised asset was sold comprises the step of determining a difference between the appraised value and the price at which the appraised asset was sold (Col. 19, ll. 24-29).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**2. Claims 16, 19-21, 45, 46 and 48 are rejected** under 35 U.S.C. 102(e) as being anticipated by Regan (US Patent 6,898,574 B1).

**Re. Claim 16,** Regan anticipates a method for operating a computer to:

- display an appraisal template including a plurality of fields to be populated by an appraiser (Col. 10, ll. 31-35, 47-50);
- receive data input by the appraiser in the template fields (Col. 10, ll. 35-42); and
- store the received data in a database (Col. 10, l. 45).

**Re. Claim 19,** Regan discloses a method comprising operating the computer to search the database to retrieve a stored appraisal (Col. 10, l. 45. Searching for the stored appraisal record is inherent.).

**Re. Claim 20,** Regan discloses a method comprising operating the computer to search the database to retrieve data corresponding to a requested report (Searching to retrieve documents is inherent.).

**Re. Claim 21,** Regan discloses a method wherein the received data comprises an image of the appraised asset (Col. 7, ll. 57-59; Col. 10, l. 43).

**Re. Claim 45,** Regan anticipates a method for submitting an appraisal, said method comprising the steps of:

- entering data into an electronic appraisal template (Col. 10, ll. 38-39); and electronically transmitting the entered appraisal data to a processor (Col. 10, ll. 42-45. The processor is inherent).

**Re. Claim 46,** Regan discloses a method comprising the step of saving the appraisal data in a database (Col. 10, l. 5).

**Re. Claim 48,** Regan discloses a method wherein transmitting the entered appraisal data is performed by at least one of a wireless device and a computer (Col. 10, ll. 28-42).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 11, 17 and 47 are rejected** under 35 U.S.C. 103(a) as being disclosed by Regan.

**Re. Claim 11,** Regan discloses a method for obtaining an appraisal, said method comprising the steps of:

- notifying at least one appraiser of an appraisal request (Col. 10, ll. 24-28. The requester of the appraisal decides to request an appraisal from an appraiser. The notification of the request to the appraiser is obvious.);
- receiving, in electronic form, an appraisal from the appraiser (Col. 10, ll. 42-45. The appraiser's transmission of the electronic appraisal form obvious will result in a reception of this form by the requester of the appraisal.); and
- storing the received appraisal, in electronic form, in a memory (Col. 10, l. 45. The completed appraisal record form is obviously stored in at least two places, in the sender's computer storage, and in the receiver/requester's computer storage, unless the requester and appraiser are part of the same organization and they depend on a common server/storage unit established by their organization. Even in this case dual storage is likely to occur to maintain redundancy for retention security purposes.).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan as appeared obvious to the ordinary practitioner of the art at the time in order to obtain an appraisal, motivated by a desire to assist users of appraisals in the efficient processing of their transactions (Regan, Col. 1, ll. 7-9).

**Re. Claim 17**, Regan discloses a method wherein to display an appraisal template, the computer causes a web page to be displayed at an appraiser device, the web page comprising a plurality of fields to be populated by the appraiser in order to complete the appraisal (LINKS – Col. 1, I. 66; Col. 2, II. 8-19; Col. 3, I. 21. An obvious use of links disclosed by Regan is to cause a web page to be displayed at an appraiser device merely by including the link in the e-mail which requests the appraisal, the web page comprising a plurality of fields to be populated by the appraiser in order to complete the appraisal – Col. 10, II. 28-42). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan as appeared obvious to the ordinary practitioner of the art at the time in order to obtain an appraisal through a web page, motivated by a desire to assist users of appraisals in the efficient processing of their transactions (Regan, Col. 1, II. 7-9).

**Re. Claim 47**, Regan discloses a method comprising the step of transmitting an electronic notification to a risk analyst that appraisal data has been submitted (Col. 6, I. 19. The electronically transmittal of appraisal data to a risk analyst is obvious in Regan, since a risk rating is developed from all of the information being gathered. It is obvious that a functional risk analyst will use the information to develop such a risk rating, whether or not the person doing the analysis and producing the rating is formally called a risk analysts.). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan as appeared obvious to the ordinary practitioner of the art at the time in order to provide appraisal information for risk analysis, motivated by a desire to assist users of appraisals in the efficient processing of their transactions (Regan, Col. 1, II. 7-9).

**4. Claims 15 & 18 are rejected** under 35 U.S.C. 103(a) as being disclosed by **Regan in view of Broerman (US Patent 6,594,633 B1)**.

**Re. Claims 15 and 18**, Regan does not explicitly disclose a method wherein the user device comprises a wireless device and/or the appraisal is received from a wireless device. However, Broerman discloses a method wherein the user device comprises a wireless device (Use of a wireless device - Col. Col. 4, I. 36; Col. 5, II. 3-4. Involvement

of appraisers – Col. 12, l. 16). It would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan with the art of Broerman in order to make use of wireless devices in the communications process involving the obtaining of appraisals, motivated by a desire to a method that assists in the automated and efficient provision of services which make use of appraisals (Zandi, Col. 2, ll. 10-15).

**5. Claims 33 - 35 are rejected** under 35 U.S.C. 103(a) as being disclosed by Dugan (US Patent 5,857,174).

**Re. Claim 33, Dugan** discloses a method for operating a computer for generating an appraisal, the computer coupled to a database comprising appraisal information for a plurality of appraisals in real estate, said method comprising the steps of:

- searching the database to identify appraisals for properties at least similar to the property to be appraised (Col. 7, ll. 4-5, 55-63; Col. 8, ll. 11-18);
- retrieving data from the identified appraisals (Col. 8, ll. 12-15); and
- generating an appraisal for the property based on the retrieved data (Col. 10, ll. 50-52).

Dugan does not explicitly disclose generating an appraisal for equipment and searching databases of similar equipment. However, it is obvious that the general computer database search methodology of identifying and assessing comparable properties in real estate could be applied to the task of appraising equipment by identifying comparable equipment in equipment databases. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the art of Dugan for the purpose of generating equipment appraisals using Dugan's disclosed method for developing appraisals of comparable properties, motivated by a desire to accurately and efficiently producing appraisals (Dugan, Col. 1, ll. 10-12).

**Re. Claim 34** Regan discloses a method wherein searching the database comprises prompting a user to input information identifying the equipment to be appraised by

equipment type and year of manufacture (Col. 10, ll. 28-42).

**Re. Claim 35**, Regan discloses a method wherein generating an appraisal comprises executing a predefined function based on at least one of the equipment type and equipment year (Col. 10, ll. 47-50).

**6. Claims 12-14 and 39-44 are rejected** under 35 U.S.C. 103(a) as being disclosed by Regan in view of Zandi (US Patent 5,966,699).

Regan does not explicitly disclose

**Re. Claims 12**, a method wherein notifying at least one appraiser of an appraisal request comprises the steps of contacting a plurality of appraisers and requesting each appraiser to submit a bid to perform an appraisal.

**Re. Claim 13**, Regan discloses a method comprising the step of receiving a plurality of bids and selecting an appraiser based at least in part on the bid submitted by that appraiser.

**Re. Claim 14**, Regan discloses a method comprising the step of notifying the selected appraiser that the bid has been accepted and that the appraiser is to perform the appraisal.

However, **re. claims 12-14**, the method of notifying prospective vendor/bidders of a desire to receive bids for some specific aspect of their service(s) is a well known practice throughout commerce. For example, Zandi discloses a process of requesting bids from a plurality of bidders (Col. 10, ll. 3-7), receiving a plurality of bids in electronic form from at least some of the notified bidder candidates (Col. 10, l. 9), selecting one of the bids (Col. 9, ll. 9-12), and notifying the selected bidder to perform the service in accordance with the bid (Col. 9, ll. 9-12). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan with the disclosure of Zandi in order to obtain an appraisal through a competitive bidding process, motivated by the desire to more conveniently enable someone to efficiently choose among bids the one that offers the most favorable terms (Zandi, Col. 1, ll. 7-12; Col. 3, ll. 27-29).



**Re. Claim 39**, Regan discloses a method for obtaining an appraisal. Regan does not explicitly disclose a method for obtaining a plurality of bids to provide an appraisal, said method comprising the steps of:

- notifying a plurality of appraisers of an appraisal request;
- receiving, in electronic form, a plurality of bids from at least some of said notified appraisers;
- selecting one of the bids; and
- notifying the appraiser of the selected bid that the appraiser is to perform the appraisal in accordance with the bid.

However, the method of notifying prospective vendor/bidders of a desire to receive bids for some specific aspect of their service(s) is a well known practice throughout commerce. For example, Zandi discloses a process of requesting bids from a plurality of bidders (Col. 10, ll. 3-7), receiving a plurality of bids in electronic form from at least some of the notified bidder candidates (Col. 10, l. 9), selecting one of the bids (Col. 9, ll. 9-12), and notifying the selected bidder to perform the service in accordance with the bid (Col. 9, ll. 9-12). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan with the disclosure of Zandi in order to obtain an appraisal through a competitive bidding process, motivated by the desire to more conveniently enable someone to efficiently choose among bids the one that offers the most favorable terms (Zandi, Col. 1, ll. 7-12; Col. 3, ll. 27-29).

**Re. Claims 40 & 41, Regan dos not explicitly disclose:**

**Re. Claim 40**, a method wherein notifying the plurality of appraisers comprises the step of transmitting electronic mails messages to at least some of the appraisers.

**Re. Claim 41**, a method wherein receiving the plurality of bids comprises the step of receiving at least some of the bids via electronic mail.

However, Zandi discloses a method wherein

**Re. Claim 40**, notifying the plurality of appraisers comprises the step of

transmitting electronic mails messages to at least some of the appraisers (Col. 10, ll. 3-7. electronic mail is defined as any kind of message sent electronically, such as any electronic text message.).

**Re. Claim 41**, receiving the plurality of bids comprises the step of receiving at least some of the bids via electronic mail (Col. 10, ll. 7-12).

Therefore, re. claims 40 & 41, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan with the disclosure of Zandi in order to obtain an appraisal through a competitive bidding process, motivated by the desire to more conveniently enable someone to efficiently choose among bids the one that offers the most favorable terms (Zandi, Col. 1, ll. 7-12; Col. 3, ll. 27-29).

**Re. Claim 42**, Regan discloses a method comprising the step of causing information related to the appraisal to be accessible via a web site (As per the rejection of claim 17, Regan teaches a web site. Regan's appraisal information is accessible to authorized users, Col. 2, ll. 8-19).

**Re. Claim 43**, Regan discloses a method wherein the appraisal information comprises an appraisal template (Col. 10, ll. 28-42).

**Re. Claim 44**, Regan discloses a method comprising the step of storing the received bids in an electronic database (Col. 10, l. 45).

**7. Claims 1-10 and 22-32 are rejected** under 35 U.S.C. 103(a) as being disclosed by Regan in view of Official Notice.

**Re. Claims 1-10 and 22-32**, Regan discloses a networked computer system configured for on-line processing access or links to a variety of information, instructions, documents, and databases, including for the obtaining of appraisals (see the rejection of claim 11). The system includes a central repository (e.g. a relational database) and interfaces (e.g. software modules) that provide the capability to read data from and write data to the data repository with the capability of utilizing a relational database computer program running on a client-server or Internet based architecture and using a WINDOWS graphical user interface (Col. 2, ll. 8-27).

Regan does not explicitly disclose

**Re. Claim 1**, a system comprising: a first database for storing data for an appraisal application; a second database for storing data for registered users; a business service server coupled to said first and second databases, said server programmed to: retrieve and update data in said appraisal application database, and retrieve and update data in said registered user database, and a web server coupled to said business service server for causing web pages for appraisals to be displayed to an appraiser, at least some of said pages comprising an appraisal application.

**Re. Claim 2**, wherein said business server comprises an appraisal server, an appraiser registration server, and a directory server, and wherein said appraisal server retrieves and updates data in said first database, said directory server retrieves and updates data in said registered user database, and said appraiser registration server updates data in said registered user database.

**Re. Claim 3**, wherein said pages comprise ASP pages and HTML pages, and wherein XSL files are stored in said web server.

**Re. Claim 4**, comprising a user terminal comprising a browser, said browser configured to communicate with said web server.

**Re. Claim 5**, receiving and storing appraisals, said system comprising:

a first tier comprising a first database containing data for an appraisal application, and a second database containing data for registered users; a second tier comprising an appraisal server in communication with said first database, an appraisal registration server in communication with said second database, and a directory server in communication with said second database; and

a third tier comprising a web server in communication with said appraisal server and said appraisal registration server, said web server comprising web pages comprising a web application.

**Re. Claim 6**, wherein said web pages comprise ASP pages and HTML pages, and wherein said web server further comprises XSL files.

**Re. Claim 7**, a system comprising:

a database comprising data corresponding to completed appraisals; and

a processor coupled to said database and configured execute a search to identify appraisals stored in said database that meet pre-defined criteria.

**Re. Claim 8**, wherein said processor is further configured to receive data corresponding to prospective users and provide the prospective user data to the database.

**Re. Claim 9**, comprising a web server coupled to said processor, said web server comprising a memory having a plurality of HTML pages stored therein.

**Re. Claim 10**, comprising a user terminal comprising a browser, said browser configured to communicate with said web server.

**Re. Claim 22**, a database comprising: data corresponding to a plurality of appraisals, data corresponding to a plurality of approved appraisers.

**Re. Claim 23**, a database where said appraisal data comprises data identifying the asset appraised, and data identifying the appraiser that performed the appraisal.

**Re. Claim 24**, a database further comprising data corresponding to industries in which at least some appraised assets are utilized.

**Re. Claim 25**, a database further comprising data corresponding to an image of an appraised asset.

**Re. Claim 26**, an apparatus comprising:

means for displaying an appraisal template to an appraiser; means for receiving said appraisal in electronic form; and means for storing said received appraisal.

**Re. Claim 27**, an apparatus wherein said displaying means comprises a web server coupled to a user terminal comprising a browser.

**Re. Claim 28**, an Apparatus wherein said receiving means comprises a web server coupled to a system server.

**Re. Claim 29**, an Apparatus wherein said storing means comprises a database server comprising a database.

**Re. Claim 30**, a computer-readable medium executable by a computer for controlling the computer to:

cause to be displayed, to a user, web pages comprising an appraisal template; and

process data entered into the template and received from the user, said processing comprising the step of storing said appraisal in a database.

**Re. Claim 31**, a computer readable medium wherein said processing further comprises the steps of retrieve and update data in an appraisal application database, and retrieve and update data in a registered user database.

**Re. Claim 32**, a computer readable medium wherein said pages comprise ASP pages and HTML pages.

However, **re. claims 1-10 and 22-32**, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention that computer apparatus, storage media, multiple databases for storing various types of data, and servers dedicated and programmed to perform various functions such as retrieving and updating data in the databases and to cause web pages to be displayed to authorized outside parties to access such stored items as an appraisal application. All of these tools are well known to ordinary practitioners of the art who make use of available computer tools to produce more efficient methods of doing business. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the well known computer systems art for the purpose of operating a computer based system for the administration of activities such as appraisals, motivated by a desire to assist users of appraisals in the efficient processing of their transactions (Regan, Col. 1, ll. 7-9).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is

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(571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Souh, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks, Washington D.C. 20231*


or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 6, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3628